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3752

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Stern et al.	)	Examiner:	Ganey, Steven J
Serial No.:	10/691,897	)	Art Unit:	3752
Filed:	10/22/2003	)	Attorneys Ref.:	P214426
Title:	AEROSOL SPRAY TEXTURE	)		
	APPARATUS FOR A PARTICULATE	)		
	CONTAINING MATERIAL	)		

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Response Under 37 CFR 1.116  
Expedited Procedure  
Examining Group 3752

**RESPONSE AFTER FINAL REJECTION UNDER 37 CFR 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is in response to the Final Office Action mailed January 26, 2005. Enclosed is a check in the amount of \$130 for the large entity Terminal Disclaimer Fee. It is believed that no further fee is due at this time to maintain the application in full force and effect. However, if any such fee or charge is due, please charge this fee to Deposit Account No. 502099.

Please amend the application as described herein.

**REMARKS**

This Amendment is filed in response to the Final Office Action mailed on January 26, 2005, in connection with this case. In that Office Action, the Examiner rejected pending claims 1-4, 6, and 8-18 under 35 USC § 112 and based on non-statutory double patenting.

Referring initially to the technical rejection under 35 USC § 112, the Applicant agrees that the claim is more clear when amended to state that the seal "disengages" from the valve stem when the valve stem is in the open position. The Applicant thus hereby amends claim to replace the term "engages" with the term "disengages from". The Applicant respectfully